

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**PENNSYLVANIA NATIONAL MUTUAL  
CASUALTY INSURANCE COMPANY,**

**Plaintiff,**

**V.**

**STONE CREEK FIREPLACE AND GRILLS, LLC,  
ALLSTATE INSURANCE COMPANY A/S/O  
DEBORAH AND REZA RAFIEE,  
DEBORAH AND REZA RAFIEE, and  
DAVID MOORE CONSTRUCTION, LLC,**

**Defendants.**

**No. 10-cv-2920**  
**JUDGE McCALLA**  
**MAGISTRATE JUDGE PHAM**

## JOINT MOTION BY PARTIES TO CONTINUE TRIAL

The parties hereby jointly move this Court for an Order continuing the May 29, 2012 trial in this matter as well as all pre-trial deadlines. As grounds for this Motion, the undersigned counsel for the parties state to the Court that the parties have reached an agreement for settlement and resolution of the underlying tort case styled: Allstate Insurance Company, as subrogee of Deborah and Reza Rafiee, and Deborah and Reza Rafiee personally v, Stoney Creek Fireplace and Grills, LLC, and David Moore Construction, LLC; No. 5615; In the Circuit Court for Fayette County, Tennessee. However, the parties are still working on finalizing and executing the release and settlement agreement and Order of dismissal.

Accordingly, when the underlying tort case is formally resolved, the parties will enter a stipulation of dismissal in the present case. At the present time, however, the parties are not in a position to enter a stipulation of dismissal in the present case, but want to apprise the Court of the

current status in this matter and seek the requested relief for continuing the trial (and all pre-trial deadlines) accordingly.

Based on the foregoing, the parties respectfully request that the Court enter an Order continuing the pre-trial deadlines and in the trial in this matter.

s/ Greg Callaway  
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s/ Angela H. Smith by Greg Callaway  
with express permission granted 4-26-12  
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### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served via ECF on all counsel of record on this the 26<sup>th</sup> day of April, 2012.

s/ Greg Callaway